





# Ontario's Used Oil Action Plan

## Permit-By-Rule Proposal

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A proposal to streamline the approvals process  
for collecting used oils at special depots.

Attached:

- guiding principles
- draft regulation
- comment form



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Ontario

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\* Version française disponible.

## GUIDING PRINCIPLES FOR THE DEVELOPMENT AND IMPLEMENTATION OF A USED OIL ACTION PLAN FOR ONTARIO

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The following principles embrace the Ontario Ministry of the Environment's waste management philosophies of product stewardship, cradle-to-grave management of waste and the "multi-media approach to emissions" principle. The latter concept discourages the transfer of pollutants from one environmental medium to another.

1. The expansion of a used oil collection network(s) to include small quantity generators of used oil is a high priority for Ontario.
2. Once the used oil is collected, the only acceptable forms of managing used oil are by re-refining or reprocessing for reuse as a lubricant.
3. The collection network(s) must be financially self-sustaining without ongoing government financial commitment.
4. The collection network(s) must, as a minimum, include and address:
  - \* do-it-yourself (DIY) oil changers;
  - \* remote areas of Ontario; and
  - \* areas in Northern Ontario.

The collection network(s) developed must not rely in any way on current source separation (Blue Box) programs.

5. The collection network(s) developed must be convenient, accessible and easy to understand and use by the prospective participants.
6. To be fully effective in the development of a comprehensive collection network(s), full participation of all stakeholders, including oil producers, blenders and retailers is required.



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7. The Canadian Petroleum Products Institute (CPPI) must assume more of a lead role in three areas to ensure consistency in the development of the program.

#### *Overall Co-ordination*

CPPI, as major oil producers, must play a key role in the management of used oil by maintaining the overall co-ordination of this program. This is in keeping with the ministry's philosophy that manufacturers of goods and services are responsible for the management of these goods and services throughout their complete life, including final disposal (i.e. product stewardship).

#### *Contaminant Management and Liability*

Industry must be responsible for the appropriate management of any contaminated used oil collected by the network(s). The government will not accept any liability associated with contaminants in used oil as the government does not accept liability for the management of any other waste. Industry must ensure that a control mechanism is developed to minimize the quantities of contaminated used oil that will require appropriate management.

#### *Communication/Education Programs*

Regardless of the type of collection network(s) developed, there must be a common message communicated by industry to the prospective participants. The participants must receive a consistent, informative message on how to manage their used oil. "Own thing" advertising is only acceptable if common themes are communicated.

8. In the designing of the used oil collection network, consideration must be given to future expansion of the network for other waste related streams including, but not limited to:

- \* oil filters;
- \* plastic containers; and
- \* antifreeze.

# - FOREWORD TO DRAFT REGULATION -

## PERMIT BY RULE PROPOSAL

### 1. *Intent*

To facilitate the establishment of specialized depots by clarifying and streamlining the current approvals process under the Environmental Protection Act (EPA).

### 2. *Definitions*

**Waste Disposal Site:** This term is used in the EPA to mean any facility that accepts waste material and includes waste transfer sites.

**Specialized Depot:** This term refers to a waste transfer site that accepts specific wastes from specific sources as defined in the Regulation.

**Waste Management System:** This term is used in the Regulation to mean the "system" used to transport waste. Transportation of waste occurs in two stages:

- i.* from the initial waste generator to the specialized depot; and
- ii.* from the specialized depot to the established waste management network for processing.

### 3. *Impact*

At present, a "Certificate of Approval" is required under Part V, Section 27 of the EPA to establish a waste disposal site. The proposed draft regulation allows the proponent of a specialized depot the option of either applying to the Ministry of the Environment for a C of A, under Section 27 of the EPA, or by demonstrating compliance, to a set of conditions included in the regulation for specialized depot sites, to the satisfaction of the ministry.

The latter approval route is known in some jurisdictions as "Permit By Rule". Thus the current approvals process can be avoided, while still ensuring that the environment is protected. Use of the Permit By Rule process does not exempt the specialized depot from compliance with municipal by-laws, other provisions of the EPA and other provincial legislation such as the Fire Code and Gasoline Handling Code.



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The Permit By Rule proposal will initially facilitate the implementation of a used oil collection network for Ontario.

Household Hazardous Waste depots will continue to require C of A's.

#### **4. *Application of the Permit By Rule***

The Permit By Rule route for specialized depots may only be applied if the depot:

- is located at a retailer's or wholesaler's place of business;
- collects specific waste types that are listed in the attached regulation and which result from the product type that is sold at that depot (i.e. used oil from the sale of new lubricant oils); and
- accepts only specific wastes generated by householders, family farm operations or small businesses producing small quantity (<25L/month) exempted wastes.

#### **5. *Exemptions***

##### **Specialized Depots**

A specialized depot is exempt from:

- the Part V (waste disposal site) Certificate of Approval requirement under Section 27 of the EPA;
- the Generator Registration requirements of Section 15 of Regulation 309; and
- the manifest requirements of Sections 16 and 18-24 of Regulation 309.

##### **Waste Management Systems**

Provided that the system is carrying on business exclusively to collect, handle and transport specific waste types directly to specialized depots and that the specific waste types are generated by businesses producing small quantity exempted wastes as per the draft Regulation provisions, a waste management system is exempt from :

- the Part V (systems) Certificate of Approval requirement under Section 27 of the EPA

Waste Management Systems that collect and transport specific waste types from specialized depots are still required to be approved under Section 27 of the EPA. The exemption from the manifest requirements of Regulation 309 applies only if the specialized depot has a written agreement for the collection and management of the specific waste by an approved waste management system.

# DRAFT

## REGULATION UNDER THE ENVIRONMENTAL PROTECTION ACT

### CERTIFICATES OF APPROVAL (SECTION 27 OF THE ACT) - EXEMPTIONS

#### Definitions:

1. In this Regulation,

"anti-freeze" may be a product or a waste and includes radiator fluid, but as a waste does not include,

- i. PCB waste as defined in O. Reg. 11/82, or
- ii. a blend or mixture of an anti-freeze with wastes as defined by other provisions of the Act or Regulation 309, other than anti-freeze;

"attendant" means a person employed at a specialized depot who carries out functions related to the collection or storage of waste;

"lubricant" may be a product or a waste and includes crankcase oils, gear and turbine oils, but as a waste does not include,

- i. PCB waste as defined in O. Reg. 11/82, or
- ii. a blend or mixture of a lubricant with wastes as defined by other provisions of the Act or Regulation 309, other than a lubricant;

"product" means a product which is listed in Schedule 5A;

"specialized depot" means a waste transfer site that,

- i. sells on a retail or wholesale basis at least one **product**,
- ii. collects at least one **waste**, provided the **waste** is a **waste** type which results from the type of **product** sold by the same seller, and
- iii. sells one or more **products** and collects one or more **wastes** at the same site, and this site is the ordinary place of business;

"**transmission fluid**" may be a **product** or a **waste** and includes hydraulic fluids, but as a **waste** does not include,

- i. PCB waste as defined in O. Reg. 11/82, or
- ii. a blend or mixture of **transmission fluid** with wastes as defined by other provisions of the Act or Regulation 309, other than **transmission fluid**;

"**waste**" means a **waste** which is listed in Schedule 5B.

2. Subject to the following conditions, and with respect to the **wastes** as set out in Schedule 5B which are being managed in accordance with the Regulation, **specialized depots** are exempted from section 27 of the Act, and sections 15, 16 and 18-24 of Regulation 309,
  - i. access to the **waste** shall be controlled by an **attendant** and where appropriate to maintain security of the collected **waste**, gates, fencing, locks or other security measures;
  - ii. at least one sign shall be posted at the **specialized depot** indicating that only the attendant shall deposit the **waste** into the storage containers;
  - iii. **waste** shall be collected only during normal business hours and the collection times shall be clearly posted at the **specialized depot**;
  - iv. for the types of **waste** being collected or likely to be collected at the **specialized**

depot, there shall be an attendant on the premises during times when waste is being collected, who is trained in the following,

- (a) relevant waste management legislation, regulations and guidelines,
- (b) environmental health and safety concerns,
- (c) occupational health and safety concerns,
- (d) emergency management procedures, and
- (e) use and operation of any equipment to be used, or likely to be used for the safe operation of the **specialized depot**;

v. waste shall be stored in containers,

- (a) which have labels clearly indicating their contents,
- (b) which are maintained in good condition, handled in a manner which prevents leaking, and in a location and manner which prevent damage and deterioration of the container,
- (c) in a manner which does not pose a threat to the general public, **specialized depot personnel**, or the environment,
- (d) in a manner which permits the free movement of persons, fire protection equipment, spill control equipment and decontamination equipment, and
- (e) in a manner which permits provincial officers to have easy access for inspection purposes;

vi. only leakproof and covered containers or other containers specially designed for the purpose of storing **waste** shall be used for above ground storage of **waste**;

vii. the area where **waste** containers are stored shall have a containment system with a storage capacity greater than, or equal to the volume of containers to be stored, and shall include,

(a) a berm, curb or thing to contain leaks, spills or accumulated precipitation,

(b) an underlying base which is free from cracks or gaps and is sufficiently impervious to contain leaks, spills or accumulated precipitation until the collected **waste** is removed, and

(c) a base which is sloped so as to drain away from the container any accumulation which results from leaks, spills or precipitation, unless the containers are elevated or otherwise protected from contact with the accumulation;

viii. **waste** shall not be stored at the **specialized depot** for more than 6 months;

ix. fire-fighting equipment and spill clean-up and containment equipment appropriate to the quantities and types of **waste** at or likely to be at the **specialized depot**, shall be immediately available;

x. spills occurring at the **specialized depot**, or as a result of operations at the **specialized depot**, shall be cleaned up immediately and reported forthwith to the District Office, or after normal business hours, the Spills Action Centre;

xi. in no later than 90 days after the opening, and in no later than 90 days after

the closing of the **specialized depot**, written notice shall be provided to the Regional Director or an alternate named by him/her, and to the Chief of the nearest fire department as defined by the Fire Marshals Act, specifying the location of the **specialized depot**, and the quantities and types of **waste** at or likely to be collected there;

xii. a daily visual inspection for the occurrence of a spill or leak of **waste** shall be carried out by an **attendant** on the days of normal conduct of business, and shall be recorded in writing;

xiii. a written record shall be made, which includes for each collection of **waste** at the **specialized depot**, the generator's name, address, phone number, type and quantity of **waste**, and the date collected;

xiv. the record of the daily inspections required under clause xii, and the written records required under clause xiii, shall be kept for two years, and shall be available for inspection by a provincial officer;

xv. a **specialized depot** shall have a written agreement for the collection and management of **waste** by a waste management system approved under Part V for the purposes, which shall be kept at the **specialized depot**, and shall be available for inspection by provincial officers, and shall include the following, -

(a) the individual or corporate name of the owner of the **specialized depot**, and if different, the name in which the **specialized depot** carries on business,

(b) the address of the head office for the owner of the **specialized depot**, and if different, the municipal address of the **specialized depot**,

(c) the name of the individual who operates the **specialized depot**,

(d) the name, address and phone number of the carrier,

(e) the number of the waste management systems certificate of approval or provisional certificate of approval,

(f) the intended receiver of wastes, including full site address and the number of the waste disposal site certificate of approval or provisional certificate of approval,

(g) the name of the carrier's primary contact person,

(h) the expiry date of the agreement, and

(i) the time intervals when it is expected that the carrier will attend at the **specialized depot**;

xvi. a **specialized depot** shall only accept wastes which are generated by,

(a) householders,

(b) family farm operations, or

(c) businesses producing,

1. waste that would be a hazardous industrial waste, hazardous waste chemical, ignitable waste, corrosive waste, leachate toxic waste or reactive waste except that it is produced in any month in an amount less than five kilograms or otherwise accumulated in an amount less than five kilograms,

2. waste that would be an acute hazardous waste chemical except that it

is produced in any month in an amount less than one kilogram or otherwise accumulated in an amount less than one kilogram, or

3. waste that is a liquid waste and is produced in any month in an amount less than twenty-five litres or otherwise accumulated in an amount less than twenty-five litres;

xvii. each time **waste** is collected at the **specialized depot**, an **attendant** shall visually inspect the waste to ensure that,

- (a) only the types of **waste** as listed in Schedule 5B and sold as **product** at the **specialized depot** are being collected, and
- (b) no more than 15 litres of each type of **waste** is being collected from one generator at one time.

3. Waste management systems are exempted from section 27 of the Act, provided that they are carrying on business exclusively to collect, handle and transport **wastes** to **specialized depots**.

SCHEDULE 5A

PRODUCT LIST

Lubricants

Oil filters

Anti-freeze

Transmission fluids

SCHEDULE 5B

WASTE LIST

Lubricants

Oil filters

Anti-freeze

Transmission fluids

**COMMENT FORM**

**Proposed Changes to Regulation 309  
Permit By Rule for Specialized Depots accepting  
specific wastes**

The Ministry of the Environment invites you to comment on the proposed changes to Regulation 309. These changes will provide an alternative approvals process called "Permit By Rule" for specialized depots accepting specific wastes.

"Permit By Rule Proposal"  
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Waste Management Branch  
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SPECIALIZED DEPOTS  
COMMENT FORM

SECTION	ISSUE	COMMENTS <sup>1</sup>
1.	DEFINITIONS	
	Anti-freeze	
	Attendant	
	Lubricant	
	Product	
	specialized Depot	
	Transmission Fluid	
	Waste	

<sup>1</sup> Additional comments can be written on a separate sheet. Clearly identify the specific sections they relate to.

SECTION	ISSUE	COMMENTS <sup>1</sup>
2.	<b>Standards for Specialized Depots</b>	
i)	Access to depot	
ii)	Public notification	
iii)	Times of operation	
iv)	Attendant training	
v)	Handling of waste containers	
vi)	Waste container requirements	
vii)	Storage area for waste containers	
viii)	Maximum storage time	
ix)	Fire fighting & spill clean-up equipment	
x)	Spills notification	
xi)	Ministry notification	
xii)	Visual inspection	
xiii)	Record keeping	
xiv)	On file records	

<sup>1</sup> Additional comments can be written on a separate sheet. Clearly identify the specific sections they relate to.

SECTION	ISSUE	COMMENTS <sup>1</sup>
xv)	Written agreement for collection and management of wastes	
xvi)	Restriction on specialized depot users	
xvii)	Waste type and quantity accepted at specialized depots	
3.	Systems Exemption for Small Quantity Waste Generators Transporting Specific Wastes to Specialized Depots	

<sup>1</sup> Additional comments can be written on a separate sheet. Clearly identify the specific sections they relate to.



